

**BONNER COUNTY PLANNING and ZONING COMMISSION
PUBLIC HEARING MINUTES
SEPTEMBER 17, 2020**

PLEDGE OF ALLEGIANCE

CALL TO ORDER: Chair Davis called the Bonner County Planning and Zoning Commission hearing to order at 5:30 p.m. in the 1st Floor Conference Room, of the Bonner County Administration Building, 1500 Highway 2, Sandpoint, Idaho, via Zoom webinar, and YouTube live streaming.

PRESENT: Commissioners Chair Don Davis; Vice Chair Brian Bailey; Taylor Bradish; Trevor Kempton; Suzanne Glasoe (joined via Zoom at 6:28 P.M.); and Matt Linscott

ABSENT: Sheryl Reeve

ALSO PRESENT: Planning Director Milton Ollerton; Assistant Director Josh Pilch; Senior Planner Amanda DeLima; Planner II Jason Johnson; Planner I Tessa Vogel; Administrative Manager Jeannie Welter; Administrative Assistant III Maria Alexander; and Administrative Assistant III Elizabeth Jensen

CHANGES IN AGENDA:

AM0013-20 & ZC0010-20 – Comprehensive Plan Map Amendment & Zone Change – Patrick & Julie McHenry will be heard first.

CONSENT AGENDA:

APPROVAL OF MINUTES: The Chair requested the Commissioners declare if they had any corrections or changes to the approval of minutes as written for: September 8, 2020. Hearing no changes or objections, the Chair declared the minutes approved as written.

PUBLIC HEARINGS:

AMENDMENT & ZONE CHANGE

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

AM0013-20 & ZC0010-20 – Comprehensive Plan Map Amendment & Zone Change – Patrick & Julie McHenry are requesting a Comprehensive Plan Map Amendment from Ag/Forest 10-20 to Rural Residential and a Zone Change from Ag/Forest-10 to Rural-5. The project is located off Upper Gold Creek Rd in Section 33, Township 59 North, Range 1 East, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner II Jason Johnson presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Comprehensive Plan and Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Patrick McHenry summarized the history of the property stating his only intent is to give each of his kids five-acres of land.

PUBLIC/AGENCY TESTIMONY: The following individuals spoke on the record:

Dale Lockwood, Mac Skip Lasson, Debbie Gullo (Exhibit A), Linda Bell Smith, and Molly O'Reilly.

APPLICANT REBUTTAL: Mr. McHenry responded to the public comments pertaining to fire danger, road maintenance, and density.

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

Comprehensive Plan Amendment

MOTION: Commissioner Kempton moved to recommend approval to the Board of County Commissioners on this project, FILE AM0013-20, requesting a comprehensive plan amendment from Ag/Forest 10-20 to Rural Residential, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Kempton further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Bradish seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Zone Change - Motion

MOTION: Commissioner Kempton moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0010-20, requesting a zone change from Ag/Forest-10 to Rural-5, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Kempton further moved to adopt the following findings

of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Linscott seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data:

- Use: Residential use, parcel is unplatted
- Size: ~20.13 acres
- Zone: Agricultural/forestry 10 (A/f-10)
- Land Use: Ag/Forest Land (10-20 AC)
- Legal: 33-59N-1E W2SENE

B. Access:

- Applicant: *"Existing 50' wide public road (Upper Gold Creek Rd) is adjoining the south boundary. An existing 30' wide private road (Coyote Trail) adjoins the east boundary."*
- Upper Gold Creek Rd is owned and maintained by Bonner County. Coyote Trail is private and not county maintained.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does contain mapped wetlands, directly along the unnamed intermittent stream. (USFWS)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C0540E, Effective Date 11/18/2009. No further floodplain review is required on this proposal.
- Soil:
 - Classification: Pend Orelle silt loam, 5 to 45 percent slopes
 - Type: Consociation
 - Drainage: Well-drained
 - Farmland Classification: Not prime farmland

D. Services:

- Water: Existing well at current home site.
- Sewage: Existing septic system
- Fire: Northside Fire
- Power: Northern Lights
- School District: Bonner School #84

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	RESIDENTIAL, 1 DU PER 10 ACRES
North	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	RESIDENTIAL, 1 DU PER 10 ACRES

Compass	Comp Plan	Zoning	Current Land Use & Density
East	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	RESIDENTIAL, 1 DU PER 10 ACRES
South	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	RESIDENTIAL, 1 DU PER 10 ACRES
West	Ag/Forest Land (10-20 AC)	Agricultural/forestry 10 (A/f-10)	RESIDENTIAL, 1 DU PER 10 ACRES

F. Standards review: Bonner County Revised Code

- **12-215:** Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents
 - The application was considered complete and routed to agencies accordingly.
- **12-216:** Evaluation of Amendment Proposals
 - Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Existing Comprehensive Plan Designation:**
 - **Ag/Forest Land:** The Ag/Forest Land designation recognizes areas where steeper slopes prevail (30% or greater) and transportation is provided by private roads or U.S. Forest Service or state roads. Urban services are not available and residential development challenges are present due to slope, poor soil conditions, hazard areas and lack of police or fire services.
- **Proposed Comprehensive Plan Designation:**
 - Rural Residential: The Rural Residential area provides for residential development in areas where urban services are not available and slopes may vary up to 30%. These areas include hazard areas and critical wildlife habitats, where lower densities reduce potential impacts to resources and exposures to loss of property or lives. Small-scale agricultural uses and residential development are permitted.
- **12-322 - Agricultural/Forestry District:**
 - The agricultural/forestry district is established to provide for agricultural and forestry pursuits, including livestock production, forestry, horticulture, floriculture, viticulture, and necessary accessory uses for treating, storing and processing agricultural products. The purpose of the A/F district is to preserve, protect and maintain areas that are rural in character and the integrity of the forest/woodland areas where viable agricultural pursuits can be feasible and to avoid fragmentation of forests and farms. These purposes are accomplished by:
 - Establishing residential density limits and conservation development standards to retain areas sized for efficient farming.

- o Allowing for uses related to agricultural production and limiting nonagricultural uses to those compatible with agriculture, or requiring close proximity for the support of agriculture.
- o Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - o A/F-20 in all areas designated as prime ag/forest land in the comprehensive plan. The A/F-20 zone is also appropriate in areas designated ag/forest land in the comprehensive plan that also feature:
 1. Prime agricultural soils.
 2. Are characterized by agricultural or forestry uses.
 3. Areas where one or more of the following apply: limited services; characterized by slopes steeper than thirty percent (30%); where access may be absent or limited to substandard road systems or where large tracts of land may be devoted to ag/forest production.
 - o A/F-10 in areas designated as ag/forest land in the comprehensive plan that do not feature prime agricultural soils, but where agricultural and forestry pursuits remain viable. These areas may be within or adjacent to areas of city impact or where lands are afforded fire protection, access to standard roads and other services.
- **12-323 – Rural District:**
 - o The rural district is established to allow low density residential uses that are compatible with rural pursuits. The purpose can be accomplished by:
 - o Limiting residential densities and permitted uses to those that are compatible with rural character and nearby resource production districts and sites and can be adequately supported by rural service levels.
 - o Allowing small scale farming and forestry activities, and tourism and recreation uses that can be supported by rural service levels and are compatible with rural character.
 - o Encouraging conservation development configurations that create permanent open space or farming areas, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
 - o Use of this zone is appropriate in areas designated by the comprehensive plan as follows:
 - o R-10 in areas designated as rural residential in the comprehensive plan that meet one or more of the following criteria:
 1. Characterized by slopes that are steeper than thirty percent (30%).
 2. Located within critical wildlife habitat as identified by federal, state or local agencies.
 3. Contain prime agricultural soils.
 4. Served by a network of public and/or private roadways that generally do not meet applicable roadway standards set forth in title 2 (public roads) of this code or appendix A (private roads) of this title or are absent.

5. Within the floodway.
 6. Contain limited access to public services.
- o R-5 in areas designated rural residential in the comprehensive plan that are already developed at or near the one dwelling unit per five (5) acre density and/or do not meet the criteria for R-10 above.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.2 – Applicability.

H. Agency Review: The application was routed to agencies for comment on August 18, 2020.

*Panhandle Health District
Northside Fire
Northern Lights
School District #84
U.S. Fish and Wildlife Service
Idaho Department of Fish and Game
All Taxing District*

*Idaho Department of Water Resources
Bonner County Road & Bridge Department
U.S. Army Corps (Coeur d’Alene)
Bonner County Schools – Transportation
Idaho Department of Environmental Quality
Idaho Department of Lands (Sandpoint)*

No agencies provided comment.

The following agencies replied “No Comment”:

*Independent Highway District
Idaho Department of Fish and Game
Pend Oreille Hospital District
City of Clark Fork*

All other agencies did not reply.

I. Public Notice & Comments

No public comments were received.

Comprehensive Plan Amendment Findings of Fact

- The site in question has no mapped steep slopes.
- The site in question is served by Upper Gold Creek Rd, a county owned, county maintained road.
- The site in question has no known hazard areas.
- The site in question has no floodplain or floodway.
- The site in question is within a fire district.
- The site in question does not feature prime agricultural soils.
- The site in question does not have access to urban sewer or urban water.

Comprehensive Plan Amendment Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposal is in accord with the following elements of the Bonner County Comprehensive Plan:

Property Rights	Population	School Facilities
Transportation	Community Design	Implementation
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and is found to be in compliance.

Conclusion 3

The proposal is in accord with the Rural Residential Land Use Designation.

Zone Change Findings of Fact

- The site in question has no mapped steep slopes.
- The site in question is served by Upper Gold Creek Rd, a county owned, county maintained road.
- The site in question has no known hazard areas.
- The site in question has no floodplain or floodway.
- The site in question is within a fire district.
- The site in question does not feature prime agricultural soils.
- The site in question does not have access to urban sewer or urban water.

Zone Change Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposal is in accord with the following elements of the Bonner County Comprehensive Plan:

Property Rights	Population	School Facilities
Transportation	Community Design	Implementation
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and was found to be in compliance.

Conclusion 3

The proposal is in accord with the purpose of the Rural-5 zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

VARIANCES**CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE:**

The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File V0022-20 – Depth-to-Width Variance – Craig Hermsmever is requesting a 4.5:1 depth to width ratio where 3:1 is required for Lot 1 and a 4.7:1 depth to width ratio where 3:1 is required for Lot 2 of a future minor land division on a 23.50 acreage parcel. The property is zoned Rural-5. The project is located off Bishops Bay Lane in Section 16, Township 56 North, Range 3 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. Commissioner Bailey disclosed Marty Taylor's firm does project work for his company. He further stated this does not create a conflict for his pertaining to this file. The Chair noted that there were no additional disclosures or conflicts.

STAFF PRESENTATION: Planner I Tessa Vogel presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Representative Marty Taylor, James A. Sewell & Associates briefly shared the history of the property. He stated he relies on the application materials and staff's presentation for the details of the project.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION: Commissioner Bradish moved to approve this project FILE V0022-20 a 4.5:1 depth to width ratio where 3:1 is required for Lot 1 and a 4.7:1 depth to width ratio where 3:1 is required for Lot 2, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to

obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Bailey seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site Data:

- Vacant
- Unplatted
- Size: 20+ acres
- Zone: Rural-5
- Land Use: Rural Residential

B. Access:

- Bishops Lane
 - i. Private, 13’ wide gravel road.
- Proposed Easement
 - i. Private, 60’ wide ingress, egress, and utility easement.

C. Environmental Factors:

- Site does not contain mapped slopes. (USGS)
- Site contains mapped lake and freshwater emergent wetlands. (USFWS)
- Site borders the Pend Oreille River to the west.
- Per CFM, Jason Johnson, *The parcel is a combination of SFHA Zone AE and Zone X, per FIRM panel 16017C0925E, effective date 11/18/2009. Variances are not development as defined in BCRC Title 14. No further floodplain review is required on this proposal.*

D. Services:

- Water: Individual well
- Sewage: Individual septic system
- Fire: Selkirk Fire District
- Power: Northern Lights, Inc.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Rural Residential	Rural-5	Vacant
North	Rural Residential	Rural-5	Camp Peine Church of Jesus Christ of LDS
East	Rural Residential	Rural-5	Residential
South	Rural Residential	Rural-5	Residential
West	Pend Oreille River		

F. Standards review

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

- **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

Applicant: "Neighboring properties contain lots or parcels with similar dimensions. The proposed variance will simply allow the subject property to be split into two water front lots subject to minor land division approval. Due to the original configuration of the parent parcel, it is not possible to create two waterfront lots with a 3:1 depth to width ratio. As noted, neighboring properties contain lots or parcels with similar dimensions."

Staff: Parcel RP56N03W164201A, directly north of the subject property, has frontage of approximately 376 feet with a total acreage of 12.56 acres and parcel RP56N03W164970A, directly south of the subject property, has frontage of approximately 1,800 feet with a total acreage of 15.40. The variation of frontage size between the properties to the north and south of the subject property is due to the properties lines that are considered the fronts and rears of the two properties.

- **Special conditions and circumstances do not result from the actions of the applicant.**

Applicant: "The parent parcel shape and dimensions were created at least as early as 1994 (Instrument 454391). The applicant acquired the subject property in 2019 (Instrument 950162). The applicant therefore didn't create the special condition or circumstance affecting the shape of the parent parcel."

Staff: Per the warranty deed under Instrument #950162, recorded December 10, 2019, the applicants acquired the subject property in 2019. The legal description of the subject property has been described on a recorded legal instrument of conveyance since October 21, 1994 per the Affidavit and Corrective Deed under Instrument #454391 with a lot line adjustment recorded June 28, 1995 under Instrument #467482.

- **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.**

Applicant: "The proposed lot configurations will have no effect on neighboring properties because each property will maintain direct frontage on and direct access to Bishop's Bay Lane. Consequently, the proposed longer and narrower lots are of no consequence, meaning that each lot and potential building sites

thereon remain accessible. Drain field easements have been reserved benefitting the subject property (Instruments 455222 and 702268). Access will remain with several hundred feet of road frontage for each proposed lot. Accordingly, the proposed depth to width ratios do not create public interest conflicts."

Staff: The proposed depth to width variance is not proposing an encroachment on the street not the neighboring property lines. All setbacks would be required to be met for any development.

G. Stormwater plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

H. Agency Review: The application was routed to agencies for comment on **August 18, 2020**.

Bonner County Road & Bridge Department: No response
Idaho Department of Environmental Quality: *DEQ has no comments on project V0022-20.*
Idaho Department of Lands – Navigable Waters: No response
Idaho Department of Lands – Sandpoint: No response
Idaho Department of Water Resources: No response
Northern Lights, Inc.: No response
Panhandle Health District: No response
Selkirk Fire District: No response
U.S. Army Corps of Engineers: No response
U.S. Forest Service: No response

I. Public Notice & Comments

The application was routed to neighbors within 300' of the subject property for comment on **August 18, 2020** and no comments were received at the time of this staff report.

Findings of Fact

1. The subject property is an unplatted 20+ acre parcel.
2. The property is zoned Rural-5 and has a land use designation of Rural Residential.
3. The property is vacant per Bonner County Assessor records.
4. The property was first described in 1994 under Instrument #454391 and after the lot line adjustment in 1995 under Instrument #467482.
5. The applicant acquired the property in 2019 under Instrument #950162.
6. Bishops Bay Lane is a private roadway bordering the property along the eastern property line and a portion of the southern property line.
7. Lake Pend Orielle borders the property to the west.
8. There is a site evaluation on file with Panhandle Health District stating that the *site is not approved for a sewage disposal system* under file #SE 04-09-44534.
9. Proposed Lot 1 would have a width of 291' and proposed Lot 2 would have a width of 266', both requiring a depth to width of 3:1.

10. The proposed depth to width ratio exceeds the maximum ratio of 4:1 for lots that would even be greater than 300' in width.
11. The applicant is wanting to create two waterfront lots which would require a depth to width ratio variance to do so.
12. Both proposed lots would meet the lot size minimum of 5 acres as proposed Lot 1 would be approximately 8.7 acres and proposed Lot 2 would be approximately 7.6 acres (submerged lands not included).
13. The depth to width ratio requirement is to ensure that there will be ample build area on a lot once it has been subdivided and that the required setbacks can be met.
14. Setbacks to property lines, streets, wetlands, and Lake Pend Oreille would still be able to be met without a variance even with the deviation in the depth to width ratio on the proposed lots.
15. The property's submerged lands are exempt from the depth to width requirements per BCRC 12-621: Lot Design.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

Conditions apply to the property that **do not** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance is **not** in conflict with the public interest in that it **will not** be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

Conditions of Approval:

- A-1** Only the development highlighted on the site plan has been reviewed for variance standards. All other development shown must comply with Bonner County Revised Code.
- A-2** No variance or any other administrative waiver shall be applied for in regards to setbacks for the approved proposed lots.
- A-3** At time of land division application, all required documents shall be submitted to the Bonner County Planning Department for review and approval.
- A-4** At time of land division application, file **V0022-20** shall be referenced on the final plat.

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File V0020-20 – Side Yard Setback – Travis and Kim Kaul are requesting a 3' side yard setback where 5' is required to allow for the construction of a lean-to addition to an existing barn on a 17.18 acre parcel. The property is zoned Suburban. The project is located off Baldy Mountain Road in Section 16, Township 57 North, Range 2 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner I Tessa Vogel presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION: Commissioner Linscott moved to approve this project FILE V0020-20 a 3' property line setback variance where 40' is required to allow for the construction of a lean-to addition on an existing barn, finding that it is in accord with the Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Linscott further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the variance is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Bailey seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site Data:

- Use: Residential
- Area of City Impact: City of Sandpoint
- Size: 17.18 acres
- Zone: Suburban
- Land Use: Suburban Growth Area

B. Access:

- **Baldy Mountain Road**
 - i. Road Class: Collector
 - ii. County Maintained: Yes
 - iii. Road Owner: Bonner County
 - iv. Road Surface: Paved

C. Environmental factors:

- Site does contain mapped slopes of 15-29% and 30% or greater in grade. (USGS)
- Site does contain mapped freshwater forested/shrub wetlands. (USFWS)
- Site contains Syringa Creek, a perennial stream.
- Per CFM, Jason Johnson, *The parcel is a combination of SFHA Zone A and Zone X, per FIRM panel 16017C0715E, effective date 11/18/2009. Per the site plan and aerial photography, the proposed site is within SFHA Zone X. A variance does not, by itself, approve development as defined in BCRC Title 14. No further floodplain review is required on this proposal.*

D. Services:

- Water: Syringa Heights Water Association
- Sewage: Septic System
- Fire: Northside Fire District
- Power: Avista Utilities

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Suburban Growth Area	Suburban	Rural residential/AG/forestland
North	Suburban Growth Area	Suburban	1.3 & 8.4 acres jointly owned – shop/rural residence – AG/forestland use
East	Suburban Growth Area	Suburban	2.5 acres – rural residences/outbuildings – AG use
South	Suburban Growth Area	Suburban	33 acres – raw land – forestland
West	Suburban Growth Area	Suburban	3, 2, & 4 acres parcels – rural residences/outbuildings – AG use

F. Standards review

BCRC 12-234 specifies that "Staff, the commission and/or board shall review the particular facts and circumstances of each proposal submitted and shall find adequate evidence showing that:

- **Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.**

Applicant: "The only outbuilding on our 17+ acres is the existing, grandfathered barn/lean-to structure that was on our property when we purchased it in 2002. We had no control over where this building was built and after living on the property 18 years have exceeded the storage capacity of this structure. To solve our issue we would like to add on a lean-to to the north side of the existing structure. The simplest, most logical way to add onto this building is to use the existing barn supports and match the existing roof line, so that is why we are seeking a side yard variance."

Staff: The applicants obtained the property in 2002 per the Warranty Deed under Instrument #602199, recorded May 31, 2002. The structure the proposed lean-to is to be added to was built in the 1970s per Bonner County Assessor records.

- **Special conditions and circumstances do not result from the actions of the applicant.**

Applicant: "Purchased property in May 2002 with existing barn/lean-to already constructed on property (barn build date unknown - house built 1977). Had west property line survey done in May 2002 which showed that the barn/lean-to was constructed 3'5" inside the side property line. Survey also notes that existing old fence (probably assumed property line) encroached on the side property line 4'9". The previous landowner who constructed the barn/lean-to may have thought this was the property line or perhaps when the barn was constructed there wasn't a 5 foot setback? Nevertheless, we would like to add a lean-to onto the north side of the existing barn that meshes up to the current barn/lean-to footprint. The existing barn is 26' wide X 40' deep - the new lean-to would be 23' wide and 40' deep to exactly mirror the dimensions of the existing south side lean-to."

Staff: Per a survey done in 2002 by the applicants the existing barn is shown to be 3'5" from the property line. As the addition of the lean-to will have to encroach into the side property setback and is an agricultural use, making the required setback 40', a variance is required.

- **The granting of the variance is not in conflict with the public interest in that it will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot.**

Applicant: "Adding a lean-to to the north side of the existing barn/lean-to will not be in conflict with public interest because the nearest public access road (Baldy Mountain) is approximately 1,000 feet away. Nor would the addition have any effect on the adjoining property because there are no existing buildings/improvements located near the existing barn/lean-to - only dense forestland that slopes down to Syringa Creek."

Staff: The proposed addition of the lean-to will be approximately 1,000 feet south of Baldy Mountain Road per the provided site plan. The aerial view of

the subject property and the neighboring property to the west shows that there is no existing development on that neighboring property near the site that the proposed addition is planned.

G. Stormwater Plan: A stormwater management plan was not required, pursuant to BCRC 12-720.3(k) because the proposal does not result in the creation of additional impervious surface, as defined.

H. Agency Review: The application was routed to agencies for comment on **August 18, 2020**.

Avista Utilities

Bonner County Road & Bridge Department: No response

City of Sandpoint: No comment

Idaho Department of Environmental Quality: *DEQ has no comments for project V0020-20.*

Idaho Department of Lands - Navigable Waters: No response

Idaho Department of Lands - Sandpoint: No response

Idaho Department of Water Resources: No response

Northside Fire District: No response

Panhandle Health District: No comment

Syringa Heights Water Association: No response

U.S. Army Corps of Engineers: No response

I. Public Notice & Comments

The application was routed to neighbors within 300' of the property for comment on **August 18, 2020** and no comments were received at the time of this staff report.

Findings of Fact

1. The parcel is 17.18 acres and located within the City of Sandpoint's area of city impact.
2. The parcel is zoned Suburban with a land use designation of Suburban Growth Area.
3. The parcel is developed in a residential manner with agricultural uses.
4. All structures are from the 1970s except for two additions that were done in 2016 per Bonner County Assessor records.
5. There are two permits on file with the Bonner County Planning Department. DES2015-0137 for an addition of a deck, and BLP2015-0138 for an addition of a garage.
6. The applicants obtained the property in 2002 per the Warranty Deed under Instrument #602199, recorded May 31, 2002.
7. The structure that the proposed addition is for is an existing barn from the 1970s.
8. A survey of the property from May of 2002 shows that the existing barn sits 3'5" away from the true property line.
9. The lean-to addition will be a total of 920 square feet (23' wide X 40' deep).
10. Syringa Creek runs through the southwest portion of the parcel where freshwater forested/shrub wetlands and slopes of 15-29% and 30% or greater in grade are present as well.

11. The site is served by individual septic, Syringa Heights Water Association, Northside Fire District, and Avista Utilities.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

Conditions apply to the property that **do not** apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography, or other circumstances over which the applicant has no control.

Conclusion 2

Special conditions and circumstances **do not** result from the actions of the applicant.

Conclusion 3

The granting of the variance is **not** in conflict with the public interest in that it **will not** be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity of the subject parcel or lot. (Ord. 559, 1-4-2017)

Conditions of Approval:

A-1 The applicant must file a Declaration of Exemption with the planning department for the proposed development.

CONDITIONAL USE PERMIT

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

File MOD0002-20 – Modification of Terms of C909-08 - Sierra Builders is requesting a modification of terms to file CUP0909-08 to construct four cabins and two garage buildings in lieu of the approved eight condo and two garage building on Lots 1 and 2 of Block 1 of the First Addition to Priest Lake Golf Club Estates subdivision (0.617 acres each), and to delete the requirement to pave Fairway Drive. The property is zoned Recreation. The project is located off Fairway Drive in Section 25/36, Township 60 North, Range 5 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Planner I Tessa Vogel presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: Applicant Chris Barrera gave a brief summary of the project.

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION: Commissioner Bradish moved to approve this project FILE MOD0002-20 to modify C909-08 to allow for the construction of four cabins and two garages in lieu of the approved eight-unit condos and two garages along with the deletion of the requirement to pave Fairway Drive, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Bradish further moved to adopt the following findings of fact and conclusions of law as written. The action that could be taken to obtain the conditional use permit is to complete the Conditions of Approval as adopted. This action does not result in a taking of private property. Commissioner Linscott seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data:

- Residential – a mix of single family and multi-family dwellings
- Platted – Lots 1 & 2 of the Fairway III (Lots 1 & 2, Block 1, First Addition to Priest Lake Golf Club Estates).
- Size: 0.617 acres each
- Zone: Recreation
- Land Use
 - i. Lot 1: Resort Community
 - ii. Lot 2: Neighborhood Commercial

B. Access:

- Fairway Drive
 - i. Road Owner: Bonner County
 - ii. County Maintained: Yes
 - iii. Road Class: Local
- KP Court
 - i. Private gravel ingress, egress, and utilities easement.

C. Environmental factors:

- Site does contain mapped slopes. (USGS)
 - i. 15-29% in grade
- Site does not contain mapped wetlands. (USFWS)

- Site does not contain a river/stream/frontage on lake
- Per CFM, Jason Johnson, *Parcel is within SFHA Zone D, per FIRM panel 16017C0200F, effective date 7/7/2014. No further floodplain review is required on this proposal.*

D. Services:

- Water: Priest Lake Golf Club Estates Water, Inc.
- Sewage: Outlet Bay Sewer District
- Fire: West Priest Lake Fire District
- Power: Northern Lights, Inc.

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Neighborhood Commercial & Resort Community	Recreation	Residential Single Family
North	Neighborhood Commercial	Recreation	Residential Multi-Family & Single Family
East	Neighborhood Commercial & Resort Community	Recreation	Priest Lake Golf Club Residential
South	Resort Community	Recreation	Residential
West	Neighborhood Commercial & Resort Community	Recreation	Residential Public Land

F. Standards review

BCRC 12-223 specifies that the Commission shall review the particular facts and circumstances of each proposal. To grant a conditional use permit, the Commission must find there is adequate evidence showing the proposal is in accord with the general and specific objectives of the comprehensive plan and Title 12 and the proposed use will neither create a hazard nor be dangerous to persons on or adjacent to the property.

- BCRC 12-332, Residential Use Table
 - Single family dwellings are a permitted use within the Recreation Zone. Multi-family dwellings such as the previously approved 8-unit condos required a conditional use permit with BCRC 12-332, note 6 stating, *Multi-family dwellings with a minimum of 12,000 square feet of lot area for the unit, plus 3,000 square feet for each additional unit; provided that all urban services are available.* As the lots have urban water and urban sewer, the lot size minimum is 12,000 square feet. Each lot is 0.617 acres (26,876.52 square feet) so each lot is allowed two single family dwellings, one accessory dwelling unit, and one permanent RV spot.
- BCRC 12-412, Density & Dimensional Standards for the Recreation Zone
 - The lot size minimum is 12,000 due to the site being served by urban water and sewer districts. The required setbacks for the cabins and

garages are 25' from the edge of the easement of Fairway Drive and 5' from all other property lines. The allowed lot coverage is still 35%.

- BCRC 12-4.3, et seq., Parking Standards
 - For residential, single family dwellings, the minimum requirement for parking is having two spaces per dwelling unit on the same lot as the dwelling unit at 200 square feet in area.
 - There are two, 2-car garages (one on each lot) proposed and each lot provides adequate space for additional parking to meet the need for the other two required off-street parking spaces.
- BCRC Title 12 Appendix A, Private Road Standards
 - The applicants request to remove the requirement of having to pave Fairway Drive. Under the approved CUP, file C909-08, road improvement were proposed – *The proposed interior driveway will be built to West Priest Lake Fire District and Bonner County standards with a twenty-two [foot] (22') wide graveled travel surface on a thirty foot (30') wide ingress, egress, and utilities easement. Fairway Road will be improved to meet County Standards by adding a paved travel surface. The roads will have standards drainage with maximum and typical grades of 8% +/-.*
 - As Fairway Drive is a County owned road and not a private road, it is not required to meet the Bonner County Revised Code requirements of the private road standards manual (Title 12, Appendix A). The proposed paving of Fairway Drive was to bring the road up to County Standards per BCRC Title 2 and is able to be removed as a condition.
 - KP Court is a private road giving access from Fairway Drive to Lots 1 and 2 and will need to meet the private road standards of BCRC Title 12, Appendix A for High Density Private Roads. KP Court is considered a high density private road due to it being a private access road, in an area zoned for lot/parcel sizes of 12,000 square feet in size (Recreation Zone) on the official Bonner County zoning map.

G. Comprehensive Plan Land Use Designation: The comprehensive plan designation of Neighborhood Commercial provides light commercial uses to serve the needs of the rural communities and tourist trade without adversely affecting residential neighborhoods. Urban services and primary transportation systems, such as the state highways or major/minor collector roads are required.

The comprehensive plan designation of Resort Community provides for urban-like densities for areas centered around the recreational areas developed for winter and water sports, golf and hiking, where urban services are provided.

H. Stormwater plan: A stormwater management plan was required during the original conditional use permit (C909-08) pursuant to BCRC 12-7.2. The plan by Ryan Fobes, P.E. provided the required calculations and infiltration rates, and proposed using a combination of conveyance channels and grassed infiltration areas to stabilize stormwater run-off from the proposed impervious surfaces created from the proposal.

As the applicant is requesting to have four single family cabins (two on each lot) instead of the multi-unit condos on both lots, the impervious surface will be similar if not reduced, causing a new stormwater management plan to not be required for this proposal pursuant to BCRC 12-720.3(K).

I. Agency Review: The following agencies were routed on **August 18, 2020** for comment.

Bonner County Road & Bridge Department: *Following up on our conversation, Road & Bridge does not object to the release of the condition requiring that Fairway Dr. be paved. Road & Bridge does not typically require developers to pave the County maintained roads adjacent to their projects. Road & Bridge's concerns originally were that if the road was to be paved, it needed to be done in accordance with the standards set forth in the Bonner County Roads Standards Manual. If the County releases them from the condition to pave, no further action is required to satisfy the Road & Bridge Department.*

Idaho Department of Environmental Quality: *DEQ has no comments on project MOD002-20.*

Idaho Department of Lands - Coolin: No response
Idaho Department of Water Resources: No response
Northern Lights, Inc.: No response
Outlet Bay Sewer District: No response
Panhandle Health District: No response
Priest Lake Golf Club Estates Water, Inc.: No response
U.S. Army Corps of Engineers: No response
West Priest Lake Fire District: No response

J. Public Notice & Comments

Neighbors within 300' of the subject property were routed for comment on **August 18, 2020** and no comments at the time of this staff report were received.

Findings of Fact

1. Subject lots are 0.617 acres each.
2. Subject lots are Lots 1 & 2 of Fairway III (Lots 1 & 2, Block 1, First Addition to Priest Lake Golf Club Estates).
3. The lots are zoned Recreation.
4. Lot 1 has a land use designation of Resort Community and Lot 2 has a land use designation of Neighborhood Residential.
5. Subject lots are accessed off Fairway Drive, a County owned road; and KP Court, a private ingress, egress, and utilities easement.
6. Subject lots are served by Outlet Bay Sewer District, Priest Lake Golf Club Estates Water, Inc., the West Priest Lake Fire District, and Northern Lights, Inc.
7. The original conditional use permit, file C909-08, was approved with conditions by the Bonner County Planning & Zoning Commission at the August 05, 2008, public hearing.

Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposed conditional use permit is in accord with the Bonner County comprehensive plan.

- | | | |
|-----------------------|-------------------------|------------------------------------|
| •Property Rights | •Population | •School Facilities, Transportation |
| •Economic Development | •Land Use | •Natural Resources |
| •Hazardous Areas | •Public Services | •Transportation |
| •Recreation | •Special Areas or Sites | •Housing |
| •Community Design | •Implementation | |

Conclusion 2

This proposal was reviewed for compliance with the criteria and standards set forth at BCRC Chapter 4, Title 12, Subchapter 2.2, environmental standards of Chapter 7, Title 12, and storm water management criteria and standards set forth in Chapter 7, Title 12, Bonner County Revised Code.

Conclusion 3

The proposed use **will not** create a hazard or will not be dangerous to persons on or adjacent to the property.

Conditions of Approval:

Standard continuing permit conditions. To be met for the life of the use:

- A-1** The use shall be developed and shall be operated in accordance with the approved site plan.
- A-2** The Conditional Use Permit shall not supersede deed restrictions.
- A-3** All county setbacks shall be met.
- A-4** The Conditional Use Permit shall expire if not issued within two (2) calendar years from the date of approval, or once issued, if the use has not commenced within two (2) calendar years from the date of issuance. At any time prior to the expiration date of the Conditional Use Permit, the applicant may make a written request to the Planning Director for an extension of the Conditional Use Permit for a period up to two (2) years. The Planning and Zoning Commission may consider such request for extension at any public hearing. The extension request must be approved or denied prior to the expiration date of the Conditional Use Permit.

- A-5** A minor notational change to the plat *First Addition to Priest Lake Golf Club Estates* to amend or remove restriction #1, Lot 1 thru 9, Block 1, will be developed as one parcel for multi-family use, to allow the development of the single family dwellings proposed, shall be submitted to the Bonner County Planning Department for review and approval
- A-6** A building location permit shall be required for each dwelling and accessory building proposed.
- A-7** At time of building location permit, all required documentation shall be submitted to the Bonner County Planning Department for review and approval.
- A-8** Condition **B-3** of file C909-08 requiring the improvement of paving Fairway Drive shall no longer be required.
- A-9** The private road, KP Court shall be developed per BCRC Title 12, Appendix A; Private Road Standards Manual for High Density Private Roads if not already completed.
- A-10** All conditions required per file C909-08 shall be complied with EXCEPT for those modified or removed by file MOD0002-20.

ZONE CHANGE

CALL FOR VISUAL, HEARING OR OTHER IMPAIRMENT REQUIRING ASSISTANCE: The Chair asked whether anyone needed special assistance to hear, see or participate in these proceedings. Hearing no response, the Chair continued with the public hearing.

ZC0009-20 - Zone Change - Suburban to Commercial - Hillcrest Golf Shop, LLC is requesting a zone change from Suburban to Commercial. The property's comprehensive plan designation is Neighborhood Commercial. The project is located off U.S. Highway 2 in Section 22, Township 56 North, Range 5 West, Boise-Meridian.

CONFLICT OF INTEREST/DISCLOSURE DECLARATIONS: The Chair requested the Commissioners declare any conflicts of interest or disclosures. The Chair noted that there were no disclosures or conflicts.

STAFF PRESENTATION: Senior Planner Amanda Delima presented a PowerPoint summary of the project and previously circulated staff report, concluding this project is consistent with Bonner County Revised Code.

APPLICANT PRESENTATION: None

PUBLIC/AGENCY TESTIMONY: None

APPLICANT REBUTTAL: None

COMMISSION DELIBERATION: The Chair closed the hearing to public testimony. The Commission discussed Findings and Conclusions.

MOTION: Commissioner Kempton moved to recommend approval to the Board of County Commissioners on this project, FILE ZC0009-20, requesting a zone change from Suburban to Commercial, finding that it is in accord with the general and specific objectives of the Bonner County Comprehensive Plan and Bonner County Revised Code as enumerated in the following conclusions of law, and based upon the evidence submitted up to the time the Staff Report was prepared and testimony received at this hearing. Commissioner Kempton further moved to adopt the following findings of fact and conclusions of law as written. This action does not result in a taking of private property. Commissioner Linscott seconded the motion.

VOTED upon and the Chair declared the motion carried, unanimously.

Background:

A. Site data:

- Use: Residential
- Platted: Dew Valley Subdivision, Lot 1; proposed to be Replat of lot 1, Dew Valley Subdivision, Lot 1A
- Size: Current ±4.97 acres; Proposed rezone ±3.003 acres
- Zone: Suburban
- Land Use: Neighborhood Commercial

B. Access:

- Access is Highway 2 and Holly Glen road, a paved county road.

C. Environmental factors:

- Site does not contain mapped slopes. (USGS)
- Site does not contain mapped wetlands. (USFWS)
- Site does not contain waterfront or streams. (NHD)
- Parcel is within SFHA Zone X, per FIRM Panel 16017C0865E, Effective Date 11/18/2009.
- Soil: Bonner gravelly ashy silt loam, 0 to 4 percent slopes
 - Classification: All areas are prime farmland
 - Drainage: Well drained

D. Services:

- Water: Individual Well
- Sewage: Individual Septic
- Fire: West Pend Oreille Fire District
- Power: Unknown
- School District: #83

E. Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use & Density
Site	Neighborhood Commercial	Suburban	Residential
North	Neighborhood Commercial	Suburban	Residential
East	Neighborhood Commercial	Suburban/Commercial	Commercial/Priest River Glass Shop
South	Rural Residential	Rural - 5	Residential
West	Neighborhood Commercial	Suburban/Commercial	Golf Course

F. Standards review: Bonner County Revised Code

- **12-215: Applications for Zone Changes and Comprehensive Plan Map Amendments, Contents**
 - o The application was considered complete and routed to agencies accordingly.
- **12-216: Evaluation of Amendment Proposals**
 - o Staff and the governing bodies shall review the particular facts and circumstances of each proposal submitted and shall determine whether there is adequate evidence that the proposal is in accordance with the general and specific objectives of the comprehensive plan. (Ord. 501, 11-18-2008)
- **Comprehensive Plan:**

The Neighborhood Commercial area is designed to provide light commercial uses to serve the needs of the rural communities and tourist trade without adversely affecting residential neighborhoods. Urban services and primary transportation systems, such as the state highways or major/minor collector roads are required. The requested zone change would be in compliance with the comprehensive land use designation.
- **EXISTING ZONING: 12-324: SUBURBAN DISTRICT:**

A. The suburban district is established to promote the development of residential uses located on the edges of the incorporated cities or other developed communities or areas, where urban sewer and water services are either available or have the potential to become available in the near future by reason of their inclusion in service districts, city service areas, or are adjacent to those areas or areas of city impact. Access to primary transportation routes and a system of hard surfaced roads are expected. The purpose can be accomplished by:

 1. Providing for single-family detached dwelling units and other compatible housing forms, with a variety of densities in locations appropriate for urban densities.
 2. Allowing only those accessory and complementary nonresidential uses that are compatible with urban residential communities.

3. Establishing density designations to facilitate advanced areawide planning for public facilities and services, and to protect environmentally sensitive sites from over development.
 4. Encouraging conservation development configurations that create permanent open space, protect sensitive environmental features, reduce infrastructure costs and/or enhance recreational opportunities.
 5. Requiring conservation development configurations in areas where all urban services are not available to provide the opportunity in the future to subdivide the land at urban densities.
- B. Use of this zone is appropriate in areas designated by the comprehensive plan as transition, urban growth area, resort community or suburban growth area in the comprehensive plan where a network of hard surfaced roads provides good access to primary transportation routes or potential public transportation systems. Urban services may not be available immediately, but are capable of being extended or constructed in the area. (Ord. 501, 11-18-2008)

• **PROPOSED ZONING: 12-325: COMMERCIAL DISTRICT:**

- A. The commercial district is established to promote a range of commercial uses to serve the needs of the immediate area, surrounding rural communities and visitors without adversely affecting adjacent residential neighborhoods. The commercial district is also intended to provide opportunities for a variety of affordable housing types that are within walking distance of commercial services. Intensive large scale commercial development is not appropriate due to the limited density of surrounding unincorporated areas. Access to primary transportation routes and a system of hard surfaced roads are expected and consideration is given to the potential public transportation access. These purposes are accomplished by:
1. Providing for a wide range of small to medium scaled retail, professional, governmental and personal service uses.
 2. Allowing for mixed use buildings (housing over office or retail) and a range of housing types, including cottage housing, townhouses, apartments and mobile home parks where sufficient services are provided.
 3. Allowing for light industrial uses where activities are conducted primarily indoors and impacts to adjacent uses can be mitigated.
 4. Excluding commercial uses with extensive outdoor storage.
 5. Excluding large scale commercial uses that would be more effectively located in incorporated cities.
 6. Applying simple design standards that enhance pedestrian access and improve the character of the area.
- B. Use of this zone is appropriate in areas designated as neighborhood commercial, urban growth area or transition by the comprehensive plan and community plans and that are served at the time of development by adequate sewage disposal services, water supply, roads and other needed public facilities and services. Expansion of existing commercial districts or the creation of new commercial districts may be considered only if the

expansion will not negatively impact the safety and function of a state highway or other roadway. (Ord. 501, 11-18-2008)

F. Stormwater plan: A stormwater management plan was not required, because the proposal does not result in new impervious surfaces.

G. Agency Review: The application was routed to agencies for comment on August 18, 2020.

Panhandle Health District
Idaho Department of Water Resources
West Pend Orielle Fire District
Bonner County Road Department
Avista Utility Company
U.S. Army Corps (Coeur d'Alene)
School District #83
Bonner County Schools - Transportation
Idaho Department of Lands (Sandpoint)
Idaho Department of Environmental Quality
Idaho Transportation Department
(All Taxing Districts)

The following agencies replied "No Comment":

City of Sandpoint replied no comment on August 22, 2020
Independent Highway District replied no comment on August 25, 2020
Pend Oreille Hospital District replied no comment on August 24, 2020

All other agencies did not reply.

H. Public Notice & Comments

No public comments were received.

Zone Change Findings of Fact

- The existing parcel is designated Neighborhood Commercial in the comprehensive plan.
- The site fronts both Highway 2 and a paved county maintained road, both primary transportation routes.
- The proposed parcel to be zone changed will be ±3.003 acres.
- Lots in the vicinity are zoned Commercial and feature commercial type uses.
- Lot line adjustment LS0012-20 is in progress and will reflect the proposed zone change boundaries.
- The site is within the boundaries of West Pend Orielle Fire District and is served by Avista Power.
- The parcel does not feature slopes greater than 15% or any wetlands.

Zone Change Conclusions of Law:

Based upon the findings of fact, the following conclusions of law are adopted:

Conclusion 1

The proposal **is** in accord with the following elements of the Bonner County Comprehensive Plan:

Property Rights	Population	School Facilities
Transportation	Community Design	Implementation
Economic Development	Land Use	Natural Resources
Hazardous Areas	Public Services	Transportation
Recreation	Special Areas or Sites	Housing

Conclusion 2

This proposal was reviewed for compliance with Title 12, Bonner County Revised Code, and **was** found to be in compliance.

Conclusion 3

The proposal **is** in accord with the purpose of the [PROPOSED] zoning district, provided at Chapter 3, Title 12, Bonner County Revised Code.

OPEN LINE DISCUSSION:

Discussion regarding the Selle-Samuels meetings at Oden Bay September 19th and 24th

Announcement of Commissioner Kempton's last meeting.

At 8:00 P.M., the Chair declared the hearing adjourned until October 1, 2020.

Respectfully submitted,



Milton Ollerton, Planning Director

The above Minutes are hereby approved this 1st day of October 2020.

Bonner County Planning and Zoning Commission



Don Davis, Chair